

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2978

(SENATE AUTHORS: NEWMAN, Latz, Relph and Frentz)

DATE
02/11/2020

D-PG

Introduction and first reading
 Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to courts; modifying criteria for publishing court of appeals opinions;
 1.3 amending Minnesota Statutes 2018, section 480A.08, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 480A.08, subdivision 3, is amended to read:

1.6 Subd. 3. **Decisions.** (a) A decision shall be rendered in every case within 90 days after
 1.7 oral argument or after the final submission of briefs or memoranda by the parties, whichever
 1.8 is later. The chief justice or the chief judge may waive the 90-day limitation for any
 1.9 proceeding before the court of appeals for good cause shown. In every case, the decision
 1.10 of the court, including any written opinion containing a summary of the case and a statement
 1.11 of the reasons for its decision, shall be indexed and made readily available.

1.12 (b) The decision of the court need not include a written opinion. A statement of the
 1.13 decision without a written opinion must not be officially published and must not be cited
 1.14 as precedent, except as law of the case, res judicata, or collateral estoppel.

1.15 ~~(e) The court of appeals may publish only those decisions that:~~

1.16 ~~(1) establish a new rule of law;~~

1.17 ~~(2) overrule a previous court of appeals' decision not reviewed by the supreme court;~~

1.18 ~~(3) provide important procedural guidelines in interpreting statutes or administrative~~
 1.19 ~~rules;~~

1.20 ~~(4) involve a significant legal issue; or~~

1.21 ~~(5) would significantly aid in the administration of justice.~~

2.1 ~~Unpublished opinions of the court of appeals are not precedential. Unpublished opinions~~
2.2 ~~must not be cited unless the party citing the unpublished opinion provides a full and correct~~
2.3 ~~copy to all other counsel at least 48 hours before its use in any pretrial conference, hearing,~~
2.4 ~~or trial. If cited in a brief or memorandum of law, a copy of the unpublished opinion must~~
2.5 ~~be provided to all other counsel at the time the brief or memorandum is served, and other~~
2.6 ~~counsel may respond.~~

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to cases
2.8 filed at the Minnesota Court of Appeals on or after that date.